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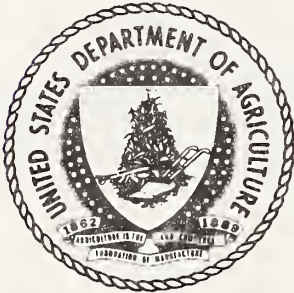
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# ISSUANCES

of the

Meat and Poultry Inspection Program

November 1979



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### Changes

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UNITED STATES DEPARTMENT OF AGRICULTURE  
Food Safety and Quality Service  
Meat and Poultry Inspection Program  
Washington, D.C. 20250





UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND QUALITY SERVICE  
MEAT AND POULTRY INSPECTION PROGRAM  
WASHINGTON, D.C. 20250

## Meat and Poultry Inspection Manual

CHANGE: 79-10/11

### MAINTENANCE INSTRUCTIONS

Remove Page	Insert Page	Numbered
289 and 290	289, 290, and 290a	79-10/11

#### Pen-and-Ink Changes

Page 101 and 101a, delete section 11.20(g).

Page 148, section 18.32(g) (2) (iii) 4, line 2, add the words "as shown in chart 18.2-A and Table 18.7" between the words "results" and "and".

Page 246, section 22.35(a) (5), line 10, change the word "eleves" to "élevés".

Page 251, section 22.38(d) (1) (ii), the last two lines should be changed to read as follows: "readily detectable by sight or smell and/or by laboratory methods."



## Part 27

FO usually specifies, by country and type of product, number of objective residue and species determination samples to be submitted by each region within a given period.

**(e) Forms**

Use MP Form 22 for normal samples, and MP Form 23 for special samples (see Part 20).

Product codes used on sample forms shall be those listed on MP Form 410.

Sample form numbers shall be entered on respective MP 410. If additional space is needed, utilize reverse side of this form to include all sample numbers.

**(f) Procedure**

See Part 23 for normal and special samples, and Subpart 11-E for residue samples.

Randomly select samples from regularly imported products. Each sampled shipment should have different points of origin. Select alternate products when identified products are not available.

When a plant or a country is identified for selective residue sampling, the importer may request a sample to be submitted from each production date within an inspection lot, provided all portions of the lot are properly identified and separated. A lot cannot be subdivided for such sampling after initial laboratory sample indicates noncompliance.

When sorting by production codes is not done during import inspection and/or more than one inspection lot of similar product from one plant is offered, the inspector shall submit at least three samples, when one or two inspection lots are offered, or one sample from each lot when more than two inspection lots are offered.

Samples should be as representative as possible of products offered.

Where possible and acceptable to MPI personnel, laboratory samples may be selected from containers opened for product examination.

To provide a record of lots sampled, production codes or other identifying marks must be noted on sample forms.

**(g) Specific Procedure**

Actions following laboratory results will be as those required for domestic products (See Part 18).

**(1) Canned hams, loins, picnics, and similar pork products (see Table 27.5).**

**(i) Definitions.**

1. Lot. Product declared on the MP Form 410 as being the same product, same container size, and from the same producer.

2. Sample unit. When using normal criteria or skip lot inspection, 1 can of product; when using tightened criteria, a composite of 6 cans of product from the same lot.

3. Normal criteria. Standards used when producer's history indicates good control.

4. Tightened criteria. Standards used when producer's history indicates lack of control.

5. Skip lot inspection. Inspection level of observation used when a producer's product is consistently better than specified requirements.

**(ii) Inspection.** Table 27.5 lists sample limits for canned pork products. Analytical results are classified in Zones A through E for action to be taken. Inspector's action:

1. Randomly select a sample unit from each lot and submit samples to an MPI or certified laboratory.

2. Maintain a record of laboratory results by entering analytical results into the computer (IIS) and retaining a copy of the FSQS Form 6200-1 (formerly MP Form 22).

3. Select samples according to inspection assignment. Product controlled by normal criteria need not be held pending laboratory results. When a Zone E result is received, retain the sampled lot if the lot is on hand.



\* 4. Take the following action when  
 \* using tightened criteria. Retain  
 \* product, pending laboratory results,  
 \* until return to normal criteria.  
 \* Release each retained lot of product  
 \* if the sample result from a lot of  
 \* picnics is 109.5 percent yield or less  
 \* or if the sample result from a lot of  
 \* hams, loins, or similar pork products  
 \* is 110.4 percent yield or less.

\* 5. Lots retained due to laboratory  
 \* results in Zone E may be further  
 \* sampled, at the importer's request, by  
 \* randomly selecting 6 additional  
 \* samples (single cans). Product may be  
 \* released if the average of the 6  
 \* laboratory results is 109.5 percent  
 \* yield or less for picnics or 110.4

percent yield or less for hams, loins,  
 and similar pork products and none of  
 the results are in Zone E.

6. Lots retained under tightened  
 criteria due to laboratory results  
 greater than 109.5 percent yield for  
 picnics or 110.4 percent yield for  
 hams may be further sampled, at the  
 importer's request, by randomly  
 selecting 30 additional samples  
 (single cans). Product may be  
 released if the average of the 30  
 laboratory results is 108 percent  
 yield or less and none of the results  
 are in Zone E. Additional laboratory  
 analyses as in 5 and 6 must be at the  
 importer's cost and must be performed  
 in a certified laboratory.

Table 27.6 - Moisture-protein ratio (MPR)

	Product	MPR	
		Required	Allowed <sup>1/</sup>
Beef	Corned (canned)	2.25:1	2.32:1
	Dried (chipped)	2.04:1	2.11:1
	Jerky, pemmican	0.75:1	0.77:1
	Roast (parboiled and steam roasted-- canned)	2.25:1	2:32:1
Meat broth Stock	Concentrated	67:1	67:1
	Regular	135:1	135:1
Sausage	Air dried	2.10:1	2.16:1
	Dry, fermented (except Genoa)	1.90:1	1.97:1
	Genoa salami	2.30:1	2.37:1
	Mortadella (canned)	3.85:1	4.05:1
	Pepperoni	1.60:1	1.66:1

<sup>1/</sup> Analytical deviation allowance.



\* TABLE 27.5 - SAMPLE LIMITS

* Zone	Hams, Loins	Picnics
* A	108.0 or less	108.0 or less
* B	108.1 - 110.8	108.1 - 109.8
* C	110.9 - 113.5	109.9 - 111.6
* D	113.6 - 116.2	111.7 - 113.5
* E	116.3 - over	113.6 - over

(2) Canned (perishable) pork product.

In sampling product from restricted countries, the inspector should request an internal temperature determination. He should also submit samples when underprocessed product is suspected.

When possible submit whole units (can). When whole units cannot be submitted, promptly freeze sample. Pack and ship to assure arrival in frozen condition. See section 23.5.

Results indicating a temperature less than 156° F., as required by VS, shall be immediately directed to PPQ officer in charge at the port for transmittal to VS. FO-FPS should also be notified.

(3) Miscellaneous product.

Canned, sliced bacon, without the "perishable" warning statement, requires a 7 percent brine concentration.

(4) Moisture-protein ratio.

Table 27.6 shows "required" and "allowed" ratios for certain imported products.

The inspector must use this table accordingly, and when:

1. A compliance history is established, release the product before receiving laboratory analysis.

2. Sample results of a released lot are above required and below allowed ratios, hold next lot until laboratory analysis is received.

3. Sample results exceed allowed ratio, hold all subsequent lots until laboratory analysis is received and a new compliance history is established.

Upon laboratory analysis of any





UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND QUALITY SERVICE  
MEAT AND POULTRY INSPECTION PROGRAM  
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MEAT AND POULTRY INSPECTION REGULATIONS

NOVEMBER 1979

CHANGE: 79-11

MAINTENANCE INSTRUCTIONS

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SUBCHAPTER B - VOLUNTARY INSPECTION AND CERTIFICATION SERVICE OF MEAT AND POULTRY	
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\*Due to the revocation of DES certification requirements, these pages are blank.



(§ 307.4(d)(3) continued)

such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of §307.6(b).

§ 307.5 Overtime and holiday inspection service.

\* (a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Quality Service \$15.44 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday. \*

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

§ 307.6 Basis of billing for overtime and holiday services.

(a) Each recipient of overtime or holiday inspection service, or both, shall be billed, at the rate established in § 307.5(a), in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour service rendered by each Program employee.

(b) Official establishments, importers, or exporters requesting and receiving the services of a Program employee after he has completed his day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at the established rate.

(c) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

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(§ 309.13 continued)

(b) Any livestock condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Program employee or official designated by the area supervisor. The U.S. Condemned identification tag will be removed by a Program employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Livestock previously affected with listeriosis, including those released for slaughter after treatment under paragraph (b) of this section, shall be identified as U.S. Suspect.

(d) When livestock under the provisions of this section is to be released for a purpose other than slaughter, the operator of the official establishment or the owner of the livestock shall first obtain permission for the movement of such livestock from the local, State, or Federal livestock sanitary official having jurisdiction.

#### § 309.14 Brucellosis-reactor goats.

Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

#### § 309.15 Vesicular diseases.

(a) Immediate notification shall be given by the inspector to the local, State, and Federal livestock sanitary officials having jurisdiction when any livestock is found to be affected with a vesicular disease.

(b) No livestock under quarantine by State or Federal livestock sanitary officials on account of a vesicular disease will be given ante-mortem inspection. If no quarantine is invoked, or if quarantine is invoked and later removed, upon ante-mortem inspection, any animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

#### § 309.16 Livestock suspected of having biological residues.

\* (a) Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph. They shall be identified at official establishments as "U.S. Condemned." These livestock may be held under the custody of a Program employee, or other official designated by the Administrator, until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be reexamined on ante-mortem inspection. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis for the residue.

\*  
\*  
\*

(§ 309.16 continued)

(b) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "U.S. Condemned" and disposed of in accordance with § 314.1 or § 314.3 of this chapter.

§ 309.17 Livestock used for research.

(a) No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

(1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Program, or the Veterinary Services unit of the Animal and Plant Health Inspection Service of the Department of Agriculture or to the Environmental Protection Agency or to the Food and Drug Administration of the Department of Health, Education, and Welfare data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such livestock being adulterated, and a Program employee has approved such slaughter;

(2) Written approval by the Deputy Administrator, Meat and Poultry Inspection Field Operations furnished the area supervisor prior to the time of slaughter;

(3) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (Part 103 of this title), and used in accordance with the labeling approved under said regulations;

(4) In the case of an animal administered any investigational drug, regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 135 of the regulations issued under said Act (21 CFR Part 135), and used in accordance with the labeling approved under said regulations;

(5) In the case of an animal subjected to any experimental economic poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations.

(6) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

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#### § 350.5 Application for service.

Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Administrator, upon an application form which will be furnished by the Administrator upon request.

#### § 350.6 Denial or withdrawal of service.

(a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Administrator until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Secretary for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. When the Administrator determines that the public interest so requires, he may deny or withdraw service provided for in this Part, without a hearing, pending final determination of the matter. The applicant or recipient of service involved shall be notified of the Administrator's decision to deny or suspend service and the reasons therefor, in writing, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to deny or suspend the service shall be effective upon such oral or written notification, whichever is earlier, to the applicant or recipient of service. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the applicant or recipient of service, in the manner prescribed in § 1.147(b) of the rules of practice (7 CFR 1.147(b)).

#### § 350.7 Fees and charges.

(a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(§ 350.7 continued)

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of \$13.48 per hour for base time, \* \$15.44 per hour for overtime including Saturdays, Sundays, and holidays, and \* \$24.04 per hour for laboratory service, to cover the costs of the service and \* shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

#### § 350.8 Scope and applicability of rules of practice.

The rules of practice of the Department of Agriculture in Subpart H of Part I, Subtitle A, Title 7 of the Code of Federal Regulations are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR Part 350).

(23 F.R. 9982, Dec. 23, 1958, as amended at 32 F.R. 13115, Sept. 15, 1967; 35 F.R. 6856, Apr. 30, 1970)

#### PART 351-CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

AUTHORITY: The provisions of this Part 351 issued under secs. 203, 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624.

SOURCE: The provisions of this Part 351 appear at 40 FR 58627, December 18, 1975.

#### DEFINITIONS

##### § 351.1 Meaning of words.

Words used in this Part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

##### § 351.2 Terms defined.

When used in this Part, unless the context otherwise requires:

(a) "Department" means the United States Department of Agriculture.

(b) "Program" means the Meat and Poultry Inspection Program of the Food Safety and Quality Service of the Department.

(c) "Administrator" means the Administrator of the Food Safety and Quality Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Circuit supervisor" means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.

(e) "Inspector" means an employee of the Program or a cooperating State.



(§ 351.5(c) continued)

shipping technical animal fat from the plant or facility and storing and exporting such technical animal fat, and a written description of the shipping, receiving, and inventory records maintained for technical animal fat.

(d) The Administrator will determine, on the basis of all information available to him, whether the arrangements at the plant or storage facility are such as will assure that certifications of technical animal fat will be correct, and, if so, will grant the application for certification service. An applicant will be given an opportunity to present his views prior to refusal of the service.

#### § 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter "C" and be used to identify all certified technical animal fat prepared or stored by the plant.

#### § 351.7 Administration of certification service program.

(a) The regulations in this Part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this Part. However, certifications under these regulations may be issued only by Program employees, as provided in § 351.3.

### FEES

#### § 351.8 Charges for surveys of plants.

\* Applicants for the certification service shall pay the Department for salary costs at \$13.48 per hour for base time, \$15.44 per hour for over- \*  
time, travel and per diem allowances at rates currently allowed by the Government travel regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

#### § 351.9 Charges for examinations.

\* (a) The fees to be charged and collected by the Administrator for \*  
examinations shall be \$13.48 per hour for base time and \$15.44 per hour for \*  
overtime including Saturdays, Sundays, and holidays, as provided for in \*  
§ 351.14, and \$24.04 per hour for any laboratory service required to deter- \*  
mine the eligibility of any technical animal fat for certification under the regulations in this part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.

## FACILITIES AND OPERATIONS

### § 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase "Certified Technical Animal Fat" whenever they contain these fats.

### § 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this Part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of § 351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under § 351.3.

### § 351.12 Circuit supervisor to be informed when plant operates.

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant's work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

### § 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this Part, inspectors shall have access at all times by day or night to every part of a certified plant.

### § 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this Part, except in accordance with such regulations.

(§ 354.75 continued)

Each product for which inspection service is requested shall be so arranged so as to permit adequate determination of its class, quantity, and condition as the circumstances may warrant.

§ 354.76 Time of inspection in an official plant.

The inspector who is to perform the inspection in an official plant shall be informed, in advance, by the applicant of the hours when such inspection is desired. Inspectors shall have access at all times to every part of any official plant to which they are assigned.

#### REPORTS

§ 354.90 Report of inspection work.

Reports of the work of inspection carried on within official plants shall be forwarded to the Administrator by the inspector in such manner as may be specified by the Administrator.

§ 354.91 Information to be furnished to inspectors.

When inspection service is performed within an official plant, the applicant for such inspection shall furnish to the inspector rendering such service such information as may be required for the purposes of §§ 354.90 to 354.92.

§ 354.92 Reports of violation.

Each inspector shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the Act and the regulations in this Part of which he has knowledge.

#### FEEES AND CHARGES

§ 354.100 Payment of fees and charges.

(a) Fees and charges for any inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§ 354.100 to 354.110, both inclusive. If so required by the inspector, such fees and charges shall be paid in advance.

(b) Fees and charges for any inspection service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Food Safety and Quality Service and remitted promptly to the Service.

(c) Fees and charges for any inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 354.101 On a fee basis.

(a) Unless otherwise provided in this Part, the fees to be charged and collected for any service performed, in accordance with this Part, on a fee basis shall be based on the applicable rates specified in this section.



(§ 354.101 continued)

(b) The charges for inspection service will be based on the time required  
\* to perform such services. The hourly rate shall be \$13.48 for base time and \*  
\* \$15.44 for overtime or holiday work. \*

(c) Charges for any laboratory analysis or laboratory examination of  
\* rabbits under this part related to the inspection service shall be \$24.04 per \*  
hour.

§ 354.105 Fees for additional copies of inspection certificates.

Additional copies, other than those provided for in §§ 354.141, 354.142, and 354.143, of any inspection certificates may be supplied to any interested party upon payment of a fee of \$2.00 for each set of five or fewer copies.

§ 354.106 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Service in connection with rendering inspection service. Such charges shall include the costs of transportation, per diem, and any other expenses.

§ 354.107 Continuous inspection performed on a resident basis.

(a) Except as provided in paragraph (b) of this section, the charges for inspection of rabbits and products thereof shall be those provided for in § 354.101(b) when the inspection service is performed on a continuous year-round resident basis and the services of an inspector or inspectors are required 4 or more hours per day. When the services of an inspector are required on an intermittent basis, the charges shall be at the hourly rate provided for in § 354.101(b) plus the travel expense and other charges provided for in § 354.106.

(b) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

§ 354.109 Fees or charges for inspection service performed under cooperative agreement.

Fees or charges to be made to an applicant for any inspection service which differ from those listed in §§ 354.100 through 354.107 shall be provided for by a cooperative agreement.

§ 354.110 Disposition of fees for inspection made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Service.

#### INSPECTION PROCEDURES; ANTE-MORTEM INSPECTIONS

§ 354.120 Manner of handling products in an official plant.

(§ 355.11 continued)

reimburse the Department for salary, travel cost, per diem allowance, and the like, expended incidental to any survey of the premises for which the inspection is requested, and in connection with any review of plans which may be made.

§ 355.12 Charge for service.

\* The fees to be charged and collected by the Administrator shall be \$13.48 \*  
\* per hour for base time, \$15.44 per hour for overtime, including Saturdays, \*  
\* Sundays, and holidays, and \$24.04 per hour for laboratory service to reimburse \*  
the Service for the cost of the inspection service furnished.

SANITATION AND FACILITIES

§ 355.13 Sanitation.

Sanitary facilities and accommodations shall be furnished by every inspected plant. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. They shall be properly lighted and ventilated and of sanitary construction. They shall be separate from the rooms and compartments in which certified products are prepared, stored or handled.

(b) Modern hand-washing basins, including running hot and cold water, soap and towels shall be placed in or near toilet rooms.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet soil lines shall not be discharged into a grease catchbasin.

(d) Properly located facilities shall be provided for cleansing utensils and hands of all persons handling or preparing any products to be certified.

(e) Equipment and utensils used for preparing any products to be certified shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(f) Trucks and receptacles used for inedible materials shall be of such construction as to permit ready and thorough cleansing, shall bear a conspicuous and distinctive mark, and shall be used exclusively for handling inedible material.

(g) Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any certified products, and all other parts of the inspected plant, shall be kept clean. There shall be no handling or storing of materials which creates an objectionable condition in rooms, compartments or places where certified products are prepared, stored or otherwise handled.

§ 355.14 Facilities.

Adequate facilities for the preparation and inspection of the products to be certified shall be furnished and maintained by the inspected plant. Of these the following are specifically required:

(§ 355.14 continued)

(a) A room or compartment adequately equipped for locking or sealing shall be provided for holding products prepared for certification or material used in their preparation which are identified as "U.S. retained," and such rooms and compartments shall be conspicuously marked with the phrase "U.S. retained" prominently displayed.

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles including carcasses, parts of carcasses and other materials, shall be provided.

(c) Rooms or compartments adequate in size and properly equipped for holding samples of canned products prepared for certification under incubation, shall be maintained at the temperature specified in § 355.25(i).

(d) Furnished office room, including light, heat, janitor, and laundry service shall be provided rent free for the exclusive use of the inspector. These facilities shall be set apart for this purpose and provided with lockers suitable for the protection and storage of program supplies. Laundering of inspectors' outer work clothing shall be provided by the management of inspected plants.

§ 355.15 Inedible material operating and storage rooms; outer premises, docks, driveways, etc.; fly-breeding material; nuisances.

All operating and storage rooms and departments of inspected plants used for inedible material shall be maintained in clean condition, and shall be separate and apart from rooms and departments where certified products are prepared, handled, or stored. Docks and areas where cars and vehicles are loaded, and driveways, approaches and alleyways shall be properly paved and drained and the outer premises of every inspected plant shall be kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of any material in which flies may breed, or the maintenance of any nuisance on the premises shall not be allowed.

§ 355.16 Control of flies, rats, mice, etc.

Flies, rats, mice, and other vermin shall be excluded from inspected plants and premises.

§ 355.17 Tagging equipment "U.S. rejected."

When necessary, inspectors shall attach a "U.S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in conflict with the provisions of this part. No equipment or utensil so tagged shall again be used until made acceptable under this part and until removal of the tag. Such tag shall not be removed from the equipment or utensil by anyone other than an inspector.

§ 355.18 Drawings and specifications to be furnished.

Triplicate copies of complete drawings and specifications for remodeling



(§ 362.4 (a)(2) continued)

reject an application or request for service or deny or withdraw service under this paragraph without hearing, pending final determination of the matter, when he determines that the public interest so requires. The operator or applicant of such plant shall be notified of the Administrator's decision to reject the application or request for service or to deny or withdraw such service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to reject an application or request for service or to deny or withdraw the benefits of service under the Act shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(b) For correctable cause.

(1) Basis for denial or withdrawal. An application or request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person whose establishment does not meet the requirements as to premises, facilities, and equipment, and the operation thereof, prescribed in the regulations to prevent the distribution of adulterated poultry or poultry products, or who has not received approval of labeling and containers to be used at the establishment as required by the regulations.

(2) Procedure. An application or request for service may be rejected, or benefits of the service may be otherwise denied to or withdrawn by the Secretary, as provided by this paragraph, after notice and opportunity for hearing before a proper official of the Department. The Administrator may reject an application or request for service or deny or withdraw service under this paragraph without hearing, pending final determination of the matter, when he determines that the public interest so requires. The operator or applicant of such plant shall be notified of the Administrator's decision to reject the application or request for service or to deny or withdraw such service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator's decision to reject an application or request for service or to deny or withdraw the benefits of service under the Act shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the Administrator shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(c) For miscellaneous reasons. An application or a request for service may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, any person, without a hearing, by the official in charge of the appropriate regional office, with the concurrence of the Regional Director (1) for administrative reasons such as the nonavailability of personnel to perform the service; (2) for the failure to pay for service; (3) in case the application or request related to birds or products which are not eligible for service under Part 362; or (4) in case the person is a partnership, corporation,

(§ 362.4(c)(4) continued)

or other person from whom the benefits of the service are currently being withheld under paragraph (a) of this section. Notice of such denial or withdrawal, and the reasons therefor, shall promptly be given to the person involved. The operator or applicant of such plant shall be notified of such decision to reject an application or request for service or to deny or withdraw the benefits of the service, and the reasons therefor, in writing, in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. Such decision shall be effective upon such oral or written notification, whichever is earlier, to the operator or applicant of such plant. If such notification is oral, the person making such decision shall confirm such decision, and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the operator or applicant of such plant in the manner prescribed in section 1.147(b) of the rules of practice (7 CFR 1.147(b)).

(d) Scope and applicability of rules of practice. The rules of practice of the Department of Agriculture in Subpart H of Part I, Subtitle A, Title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this Part (9 CFR 362).

#### § 362.5 Fees and charges.

(a) Fees and charges for service under the regulations in this Part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of \$13.48 per hour for base time, \$15.44 per hour for overtime including Saturdays, Sundays, and holidays, and \$24.04 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

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(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.



(§ 381.37 continued)

than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5 1/2 hours after the beginning of scheduled operations.

(c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 381.38: Provided, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of five consecutive 8-hour days Monday through Friday, excluding the lunch period; except those plants presently operating on an approved Tuesday through Saturday schedule shall continue on this schedule until such time as a change in ownership occurs, or they request and are granted a Monday through Friday work schedule; and further, except in the designation of State programs, the Department may depart from the Monday to Friday workweek in those cases where it would seriously handicap the Department in carrying out its function.

(d) (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take in account the efficient and effective use of inspection personnel. The work schedule must specify the workweek, daily clock hours of operation, and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving changes in the workweek or an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge if such request is received on the day preceding the day of change.

(3) Requests for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after the completion of his daily tour of duty under the provisions of § 381.39(b).

#### § 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an \* exporter shall pay the Food Safety and Quality Service \$15.44 per hour per \* Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

(b) Holidays for Federal employees shall be New Year's Day, January 1; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above-listed holidays falls outside the basic workweek, the nearest workday within that week shall be the holiday.

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UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND QUALITY SERVICE  
MEAT AND POULTRY INSPECTION PROGRAM  
WASHINGTON, D.C. 20250

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

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